



Palau

Country Reports on Human Rights Practices - [2003](#)

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Palau, formerly a U.N. trusteeship administered by the United States, became an independent nation in free association with the United States on October 1, 1994. The democratically elected government is modeled after that of the United States. The Constitution provides for executive and legislative branches and free and fair elections. Members of the legislature, the Olbiil Era Kelulau, are elected for 4-year terms. The President and Vice President also are elected for 4-year terms. In the November 2000 general elections, Vice President Tommy E. Remengesau, Jr. won the presidential race and Senator Sandra S. Pierantozzi became the first female Vice President. The country is organized politically into 16 states. The Council of Chiefs, consisting of the highest traditional chiefs from each state, advises the President on traditional laws and customs. The judiciary is independent.

The country has no security forces other than police and civilian law enforcement personnel; all were under the effective control of the civilian authorities. The Ministry of Justice oversees the national police force. The country also has a Marine Law Enforcement Division that patrols its borders with assistance from the Australian Government. Under the Compact of Free Association, the United States is responsible for the country's external defense. There were no reports that members of the security forces committed human rights abuses.

The small, market-based, mixed economy was sustained largely by transfer payments from the United States. The population was approximately 19,100 according to the 2000 census. The Government employed approximately 29 percent of the work force. The rate of economic growth was 2.3 percent in 2002. Traditional subsistence agriculture and fishing diminished as persons moved to urban areas in search of employment. An increasing number of Chinese farmers operated vegetable farms that competed with indigenous farmers; most indigenous farmers worked and sold what they produced from their own land.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Traditional customs sustain a value system that discriminates between persons on the basis of social status and sex. Domestic violence and child neglect continued to be problems. Societal discrimination and some abuse against certain foreign workers, who accounted for nearly 30 percent of the population and 73 percent of the paid work force, also were serious problems. There were reports of persons being trafficked to the country from the People's Republic of China (PRC), the Philippines, and Taiwan.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

Some witnesses asserted that police used excessive force during a clash with PRC citizen workers of a defunct garment factory (see Section 6.e.) who barricaded themselves inside a restaurant in April and allegedly held a police officer hostage for several hours. The Government responded that the police used an appropriate level of force to deal with the situation.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. However, during the year, the country's sole prison suffered from overcrowding resulting from increased convictions and mandatory sentences for firearms and drug-related offenses. Members of the Palau Red Cross Society, which is affiliated with the International Federation of Red Cross and Red Crescent Societies, have visited the prison. Government health and sanitation officials also inspected the prison regularly. The prison has separate quarters for men, women, juveniles, and pretrial detainees.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Bureau of Public Safety within the Ministry of Justice is the country's primary law enforcement agency, and performs both police and emergency response functions. It has a force of approximately 300 officers. In addition to training received locally, some law enforcement personnel received training in other countries. The police generally were considered effective. Since 2000, the overall crime rate has fallen, and investigations, prosecutions, and convictions for drug offenses increased. Corruption and impunity were not major problems. An Internal Affairs Officer within the bureau investigates reports of police misconduct. There also is a Special Prosecutor within the Ministry of Justice, with authority to investigate reports of misconduct by government employees.

Warrants for arrests are prepared by the Office of the Attorney General and signed by a judge. Detainees had prompt access to family members and lawyers. If a detainee could not afford a lawyer, the Public Defender or a court-appointed lawyer was available. There was a functioning system of bail. Lengthy pretrial detention was not a problem.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of the Supreme Court, the National Court, and the Court of Common Pleas. The President appoints judges to the Supreme Court and National Court from a list recommended by the Judicial Nominating Commission. Appointments are for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Government has an independent special prosecutor and an independent public defender system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The Internet was easily accessible; the Government did not control or limit its use.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government did not promote or restrain religious activities; however, it regulated the establishment of religious

organizations by requiring them to obtain charters as nonprofit organizations from the Office of the Attorney General. This registration process was not protracted, and the Government did not deny any groups registration during the year.

In 1998, in response to complaints from employers that the religious practices of Bangladeshi Muslims interfered both with activity in the workplace and with the living arrangements of the employing families, the Ministry of Commerce and Trade decided to deny work permits to Bangladeshi workers in the future. In 2001, the Ministry extended this policy to Indians and Sri Lankans, both Muslims and non-Muslims. Workers already in the country were not expelled.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees or asylum, and government practice remained undefined. However, there were no reports of the forced return of persons to a country where they feared persecution. The issue of cooperation with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees never has arisen.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Constitution provides for executive and legislative branches. The legislature, the Olbiil Era Kelulau, consists of 2 equal houses: The 9-member Senate and the 16-member House of Delegates. The President and Vice President are elected by popular vote and have no limit on the number of their terms, except that the President may serve only two consecutive terms. Although there have been political parties in the past, there were none during the year. In the November 2000 general elections, Vice President Tommy E. Remengesau, Jr., won the presidential race, and Senator Sandra S. Pierantozzi became the first female Vice President.

There are no legal impediments to women participating in government and politics. Women constituted 16 percent of state government legislators, down from 18 percent in 2002. A woman was governor of 1 of the 16 states. No women were elected to the Olbiil Era Kelulau in the 2000 election.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restraint, investigating and publishing their findings on human rights issues. Government officials were cooperative and responsive to their views.

The Palau Red Cross Society opened its office in 1996, and in 1997, it joined the International Federation of Red Cross and Red Crescent Societies.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, place of origin, language, religion or belief, social status, or clan affiliation, and the Government observed these provisions.

Women

There were many incidents of violence against women, primarily domestic abuse. Alcohol and illegal drug abuse increasingly contributed to this problem. According to the Office of the Attorney General, the Government's Public Health Office, and women's groups, only a few such cases are reported to the authorities every year. Although assault is a criminal offense, women were reluctant to prosecute their spouses.

The law prohibits rape, including spousal rape; however, such crimes were not common. The Bureau of Public Health and the Bureau of Public Safety have urged all victims of crime, including rape, to report offenses.

Prostitution is illegal, and it was a problem; there were reports of women being trafficked to the country from the PRC, Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes (see Section 6.f.). There were no prosecutions for prostitution during the year.

Sex tourism is illegal, and it was not a problem. Sexual harassment is illegal, and did not appear to be a major problem.

Two cases alleging sexual harassment were brought during the year; they were pending at year's end.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. Women serve by presidential appointment as bureau directors for human resources and clinical services. There were no reported instances of unequal pay for equal work or sex-related job discrimination.

Since 1993, local women's groups have organized an annual women's conference that focuses on women's and children's issues, including health, education, drug abuse, prostitution, and traditional customs and values. Government officials, including the President, Vice President, ministers, and traditional chiefs, have participated in the conference to discuss these issues. Women's group leaders and government officials agreed that changes were needed to improve the country's educational system and to reduce illegal drug use among youth. The 10th Annual Women's Conference held in April continued its focus on previously discussed issues and problems.

Children

The Government provided a well-funded system of public education and medical care for children. There was no difference in the treatment of girls and boys in educational opportunities, or in the availability of scholarships to attend postsecondary education abroad. Education was mandatory from ages 6 to 17; it was free and universal. Ninety-four percent of school-age children attended school; of these, 97 percent finished elementary school and 78 percent completed high school. Girls and boys received equal treatment in health care services.

While there have been a few instances of child abuse, cases have been prosecuted successfully by the Office of the Attorney General. While children's rights generally were respected, there were reports of several instances of child neglect, which was a byproduct of the breakdown of the extended family. Commercial sexual exploitation of children was neither accepted within society nor practiced.

Government officials and representatives from nongovernmental organizations (NGOs) agreed that changes were needed to improve the educational system and to reduce illegal drug abuse among youth.

Persons with Disabilities

The National Code includes a Disabled Persons Antidiscrimination Act and a Handicapped Children Act, and the Government enforced the provisions of these acts. No instances of discrimination against persons with disabilities were reported. The law requires building access for persons with disabilities, and most government and business buildings have access for such persons. The public schools have established special education programs to address problems encountered by persons with disabilities.

National/Racial/Ethnic Minorities

The law prohibits noncitizens from purchasing land or obtaining citizenship. The rapid increase in foreign workers, who according to the 2000 census constituted nearly 30 percent of the population and 73 percent of the work force, was viewed negatively by a majority of citizens. Foreign residents were subjected to some forms of discrimination and were targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Foreign residents made credible complaints that crimes against noncitizens were not pursued or prosecuted by authorities with the same vigor as crimes against citizens.

Certain foreign nationals experienced generalized discrimination in employment, pay, housing, education, and access to social services, although the law prohibits such discrimination. While precise data was lacking, there continued to be anecdotal reports regarding the abuse of workers' civil rights perpetrated against domestic servants, female bar workers, construction laborers, and other semiskilled workers, the majority of whom were from the Philippines, the PRC, and Taiwan. The most common abuses included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and, at times, physical abuse (see Section 6.e.). In a number of instances, local authorities took corrective action when alerted by social service and religious organizations to which foreign workers had turned for assistance. Nonetheless, foreign workers often were reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of all persons to assemble peacefully and to associate with others for any lawful purpose, including the right to join and organize labor unions. However, there were no active labor unions or other employee organizations.

b. The Right to Organize and Bargain Collectively

There is no legislation concerning trade union organization, including collective bargaining, although there were no legal impediments to either. Wages in the cash economy were determined by market factors.

The Constitution does not provide for the right to strike, and the Government has not addressed this issue. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits slavery or involuntary servitude except to punish crime. The law does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occurred. Instances were reported of foreign workers, particularly domestic helpers and unskilled laborers, who were forced to accept jobs different from those for which they were recruited. The freedom of foreign workers to leave employment situations not to their liking may be hindered by verbal threats or the withholding of passports and return tickets to the country in which they were recruited. There were some reports of trafficking in persons (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution states that the Government shall protect children from exploitation. There is no minimum age for employment. Children typically were not employed in the wage economy, but some assisted their families with fishing, agriculture, and other small-scale family enterprises. By regulation, no foreigner under the age of 21 may be admitted into the country for employment purposes, and the Government enforced this regulation effectively.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The law sets the minimum wage at \$2.50 per hour. Foreign workers are not included under the minimum wage law. The minimum wage appeared to be sufficient to provide a decent standard of living for a worker and family. Anecdotal evidence indicated that unskilled workers for commercial firms (usually foreigners) were paid only \$1.50 to \$2.00 per hour. However, foreign workers usually were provided, in addition to their wages, basic accommodations and food at no or nominal cost. Although these wages were low, the country continued to attract large numbers of foreign workers from the Philippines and the PRC. There were more than 7,500 foreign nationals with work permits in the country; over half were from the Philippines, followed by the PRC, Korea, Indonesia, and Vietnam. Since 1998, the Philippine Embassy has been working closely with the Government's Labor Division to resolve problems created by falsified documents, and it interceded in several cases involving allegations of worker abuse during the year; it also assisted in the repatriation of several workers.

There is no legislation concerning maximum hours of work, although most businesses are closed on either Saturday or Sunday. The Division of Labor has established some regulations regarding conditions of employment for nonresident workers. The Division may inspect the conditions of the workplace and employer-provided housing on the specific complaint of the employees, but actual enforcement was sporadic. Working conditions varied in practice. No law specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no law protects workers who file complaints about such conditions.

As the number of foreign workers increased, there continued to be increasing numbers of reports of mistreatment of such workers by their employers. These incidents of alleged mistreatment were common knowledge among the general public but rarely were reported to law enforcement authorities by the foreign workers due to fear of their employers. Some types of mistreatment that foreign workers consistently complained about included physical and verbal abuse; being required to work overtime and on days off without pay; employers withholding monthly salary; employers and recruiters deducting the amount of airfare from salaries; and substandard housing. Some workers also complained that they were not provided sufficient food. The foreign workers most likely to be abused were those who worked under contracts and earned between \$150 and \$300 a month as domestic helpers, construction workers, farmers, waitresses, beauticians, and hostesses in karaoke bars and massage parlors. Under the terms of their contracts, they also were to be provided room and board and air travel from their home country and back after the termination of their contracts. It was generally assumed that legislators specifically exempted contract workers in the 1998 minimum wage bill to ensure a continued supply of low-cost labor in industries that the legislators often control.

During the year, over 200 PRC nationals were stranded when the garment factory that had employed them closed without paying the workers back wages and other monies owed them; the Government helped to arrange their repatriation.

f. Trafficking in Persons

Neither the Constitution nor the law prohibits specifically trafficking in persons; however, there are laws against slavery, fraud, and prostitution. There were reports of women and some men being trafficked to the country from the PRC, Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes, as domestics in private homes, and on construction sites. The freedom of foreign workers to leave employment situations not to their liking or into which they were forced may be hindered by verbal threats or the withholding of passports and return tickets to the country in which they were recruited (see Section 6.c.).

There were press reports that women recruited in the country to work in a nursing home in the United States were exploited by their employer; the women charged that the nursing home paid them barely enough to live on, retaining the remainder of their wages for repayment of their travel and other claimed expenses. The Government assisted the women in leaving the employer; some returned to Palau at their own expense.

The Divisions of Immigration and Labor are involved in combating trafficking; however, the Government lacked funding and expertise to address the problem in practice. There was no formalized assistance available for victims, and victims normally were detained, jailed, or deported if they committed a crime such as prostitution. There were no NGOs that specifically addressed trafficking.